

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Notice of Non-Compliance of the Amendment paper filed July 20, 2011

Applicant hereby resubmits the response filed on July 20, 2011, with claim amendments that take into account the changes made in the Second Preliminary Amendment filed in this case on November 7, 2007. Accordingly, Applicant requests the Examiner to reconsider this response in its entirety, as presented herein.

Disposition of Claims

Claims 1-3, 5, 6, 8-10, 14-19, 25-26, and 30 are pending. Claims 7 and 23 are withdrawn from consideration at this time. Claims 11-13 and 27-29 are cancelled by this reply without prejudice or disclaimer. Claims 1 and 17 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 17.

Amendments to the Specification

The Specification is amended to remove all reference to the claims. No new matter is added by way of these amendments.

Objections to the Specification

The Specification is objected to for improper reference to the claims of the application. Applicant has amended the Specification to remove all references to the claims. Accordingly, withdrawal of this objection is respectfully requested.

Claim Amendments

Claims 1-3, 5, 8-10, 14-18, 25, 26, and 30 are amended by this reply. Specifically, the claims are amended to clarify language, improve grammar, to conform to U.S. practice, and to correct antecedent basis. Further, claims 1 and 17 are amended to include the subject matter of now cancelled claims 11-13 and 27-29, respectively. No new matter is added by way of these amendments as support is found in the originally-filed claims and at least on page 5, lines 12-21 and Figures 2-4 of the original disclosure.

Rejection(s) under 35 U.S.C. § 112, second paragraph

Claims 1-3, 5, 6, 8-19, and 25-30 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 11-13 and 27-29 are cancelled; thus, this rejection is now moot with respect to the cancelled claims. To the extent that this rejection may still apply to the remaining amended claims, this rejection is respectfully traversed.

Claims 1-3, 5, 8-10, 14-18, 25, 26, and 30 are amended by this reply to improve language, correct antecedent basis, and to conform to U.S. practice. Further, the Examiner asserts that it is unclear in claim 1 as to whether the fixings are part of the vehicle or the wiper system. Accordingly, claim 1 is amended to recite wherein each of the at least three connections comprise fixing elements integrally moulded on windscreen wiper system or carrier. Accordingly, Applicant believes that it is now clear that the wiper system is being claimed, not a motor vehicle, and that the fixing elements are integrally moulded onto the wiper system or carrier of the wiper system. Further, with respect to claim 15, Applicant asserts that claim 15 further limits claim 1, and does not contradict it as the Examiner asserts. Claim 1 recites that the fixing elements are integrally moulded to either the wiper system or the carrier of the wiper

system. Claim 15 recites that the fixing elements are arranged in part on a bodywork side of the vehicle, which only delimits the side of the vehicle on which the wiper system or carrier may be positioned. Accordingly, Applicant asserts that claim 15 is proper.

In view of the above, Applicant asserts that claims 1-3, 5, 6, 8-10, 14-19, 25, 26, and 30, as amended, are no longer indefinite and comply with traditional U.S. claims practice. Withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claims 1-3, 5, 6, 8-19, and 25-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publ. No. 2004/0021335 (“Schmid”) in view of U.S. Pat. No. 4,675,937 (“Mitomi”). Claims 11-13 and 27-29 are cancelled; thus, this rejection is now moot with respect to the cancelled claims. To the extent that this rejection may still apply, this rejection is respectfully traversed as follows.

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” Further, when combining prior art elements, the Examiner “must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference....” MPEP § 2143(A). Applicants respectfully assert that the Examiner has failed to do so.

Independent claims 1 and 17 require, in part, (i) wherein the grommet is arranged secured against axial displacement on a peg or a peg section of the at least one second fixing element, safeguarded by back cuts between the peg and the grommet axially on the peg, and (ii) wherein the peg or the peg section has at least one groove to accept the grommet. That is, each fixing element 13 essentially consists of a peg 17, which is integrally moulded on the wiper shaft bearing 8 or 9 or formed however by the end of the carrier arm 14. With a ready-installed fixing element 13, the grommet 19 sits secured against axial displacement on the peg section 17.2 and indeed in such a way that the grommet 19 is appropriately accommodated in the groove 18, the grommet section 21 on the side of the groove 18 neighbouring the peg section 17.1 and the end of the grommet with the ring-like projection 23 on the side of the groove 18 neighbouring the peg end 17.3 support each other. *See* Specification page 5, lines 12-21 and Figures 2-4 of the original disclosure. Applicant asserts that the cited prior art fails to disclose or render obvious the aforementioned limitations.

Specifically, the Examiner submits that Schmid fails to disclose or render obvious the grommet including a cavity arranged radially inwardly opposite a projection thereon which engages the fixing holes. *See* Action, page 5. Applicants further assert that Schmid fails to disclose or render obvious (i) and (ii) as required above, because the claimed invention allows for assembly of the grommet *without* further fixing parts on the pegs of the fixing element. In contrast, Schmid discloses the use of additional securing elements (*i.e.*, bolt 40 fig.3, securing mechanism 62 fig. 5-9) to secure the damping element (38) to the securing member (32, 34, 36).

Further, Mitomi fails to supply that which Schmid lacks. Mitomi relates to a clip made of a synthetic resin, which is used for simply and reliably mounting a part on a panel by inserting a lock leg of the part through a through-hole formed in the panel. The Examiner relies

on Mitomi as teaching the grommet (1) used to connect a peg (b) of the component B to a hole (a) within vehicle body A. The Examiner asserts that the grommet (1) of Mitomi includes projections 3, 4 act as catching for engagement with the vehicle body. Applicant respectfully disagrees. Mitomi clearly discloses “[T]o mount the emblem B or like part on the panel A using the clip having the above construction according to the invention, the main body 1 is first inserted from the side of the lock plate holder body 9 through the through-hole a in the panel A.” Accordingly, it is clear that the through-hole in Mitomi, which the Examiner equates to the claimed cavity, is arranged *on the panel*, and not on the clip/grommet (1). That is, the through-hole of Mitomi is not positioned on the clip body, radially inwardly, opposite to the projections/flanges, as required by the claimed invention.

Further, with respect to (i) and (ii) above, Mitomi discloses using an additional fixing element, *i.e.*, lock plate 11, in order to secure the grommet onto peg b. This is in contrast to the claimed invention, which requires no further fixings to secure the grommet in the peg. In fact, because of the orientation of the flanges 3 of the main body 1, it is necessary to assemble the main body 1 of Mitomi first, and subsequently assembling peg b into the opening of the main body 1. At the very end, the locking plate 11 has to be assembled on peg b. In contrast, the additional features of the amended claims allow for assembly of the grommet 19 on the peg 17 first and then to introduce this part together in the opening 16 without the need for further fixing parts. Mitomi is also silent with respect to the clip body being secure against axial displacement and back cuts between the peg and the grommet axially on the peg for safeguarding the grommet.

Applicant asserts that the combination of Schmid and Mitomi, as a whole, fails to render the claimed invention obvious because neither Schmid nor Mitomi disclose or otherwise

provide for a cavity arranged radially inwardly and opposite to the projections *on the grommet*. Further, the combination of Schmid and Mitomi does not realize the advantageous feature of assembling the grommet onto the fixing element using just the pegs of the fixing element, and without further components or fixings. A combination of Schmid and Mitomi results, at best, in a mechanism for fastening a damping element into a securing member using a panel having a through-hole through which the damping element passes, along with a locking plate or bolt to help fix the damping element to the securing member. None of the cited art contemplates fixing the grommet with fixing elements using nothing but the peg(s) of the fixing element itself. One of ordinary skill in the art, having the benefit of the disclosures of Schmid and Mitomi would not arrive at the claimed invention for at least these reasons.

In view of the above, it is clear that the Examiner's contentions fail to support an obviousness rejection of amended independent claims 1 and 17. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17772/004001).

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Respectfully submitted,

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